

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MICHELE POTTS,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:21-CV-419 PLC
)	
KILOLO KIJAKAZI,)	
Acting Commissioner of Social Security,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff Michele Potts’s application for attorney fees pursuant to the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. [ECF No. 37] Plaintiff requests an award of \$6,676.84, representing 29.45 hours of attorney work at hourly rates between \$212.65 to \$243.55. Plaintiff included an “Itemization of Attorney Time” and an “Assignment of Federal Court EAJA Attorney Fee” in which she assigned all court-awarded EAJA fees to her attorney, Kristen N. Van Fossan. [ECF No. 38-1, & 38-3]

Defendant filed a response to Plaintiff’s application for attorney fees, in which she states: “Defendant has no objection to Plaintiff’s request for attorney fees under the EAJA in the amount of \$6,676.84.” [ECF No. 39] Defendant requests that the Court “enter an order specifically awarding Plaintiff attorney fees of \$6,676.84.” She notes, however, that any award of attorney fees is subject to offset to satisfy any preexisting debt Plaintiff owes to the United States. See Astrue v. Ratliff, 560 U.S. 586 (2010).

After careful consideration,

IT IS HEREBY ORDERED that Plaintiff's petition for award of attorney fees [ECF No. 37] is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff is awarded EAJA attorney fees in the amount of \$6,676.84, subject to offset for any preexisting debt that Plaintiff owes to the United States. After determining whether Plaintiff owes any debt to the United States that is subject to offset, Defendant is directed to pay the EAJA fees directly to Plaintiff's attorney.



PATRICIA L. COHEN

UNITED STATES MAGISTRATE JUDGE

Dated this 12th day of June, 2023